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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,638	08/18/2003	Peng Zhou	COOL-01500	4432
28960 7590 08/28/2008 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086				
EXAMINER				
PETTTTT, JOHN F				
ART UNIT		PAPER NUMBER		
3744				
MAIL DATE		DELIVERY MODE		
08/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

***Advisory Action
Before the Filing of an Appeal Brief***

Application No.

10/643,638

Applicant(s)

ZHOU ET AL.

Examiner

John Pettitt

Art Unit

3744

–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 04 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

Applicant's arguments filed 08/04/08 have been fully considered but they are not persuasive.

1. Applicant's arguments (page 2, ¶ Oath and declaration) are that the Oath and Declaration should be accepted according to office policy as set forth in the notice concerning 37 CFR 1.56 dated 01/22/2008. In response to the applicant's arguments, the examiner withdraws the objection.

2. Applicant's arguments (page 2, ¶ at bottom - page 3, ¶ 4) are that because Tilton is taught to be tolerant of the entry of air within the system that the gas within system does not remain sealed within the system. In response to the applicant's arguments, the examiner disagrees as the applicant's allegations that air is able to enter and be released by the system is not evidence that the boiled coolant vapor (¶ 65) does not remain within the system. In addition to the lack of evidence of the applicant's allegation, it is noted that the vapor is condensed by the condenser (30) and returned to the reservoir and operates as a closed circulation system, therefore, the applicant's allegations that the vapor coolant is somehow not contained in the system are founded.

3. Applicant's arguments (page 3, ¶ 5-6 - page 4, ¶ 1) are that Cader does not teach limitation, "adjusting a pressure of the flowing fluid to correspondingly adjust a boiling point temperature of the fluid in the at least one heat exchanger" and "wherein the pressure of the flowing fluid is adjusted by dynamically adjusting a fluid flow rate in the at least one heat exchanger" because Cader does not disclose, "adjusting the pressure of the spray chamber for the express purpose of adjusting the boiling point of the coolant in the spray chamber". In response to the applicant's arguments, the examiner fully disagrees as the prior art need not disclose the applicant's claim limitations verbatim for the prior art to meet the scope of the claim limitations. Accomplishing the task of controlling the cooling rate is not mutually exclusive from adjusting the boiling point temperature of the coolant. Note that the claim requires adjusting the pressure of the flowing fluid by adjusting a fluid flow rate in the heat exchanger. Therefore,

/Cheryl J. Tyler/
Supervisory Patent Examiner, Art Unit 3744

/John Pettitt/
Examiner, Art Unit 3744